

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD FLORES,

Plaintiff,

v.

FCA US, LLC,

Defendant.

No. 2:23-cv-01041-DAD-KJN

ORDER ENTERING JUDGMENT AGAINST
DEFENDANT PURSUANT TO NOTICE OF
ACCEPTED RULE 68 OFFER

(Doc. No. 18)

On October 17, 2023, plaintiff filed a notice of acceptance of defendant's Federal Rule of Civil Procedure 68 offer of judgment. (Doc. No. 18.) Therein, plaintiff requests that judgment be entered in his favor in the amount of \$208,278.00 pursuant to the terms of the accepted Rule 68 offer. (*Id.* at 2.)

Under Federal Rule of Civil Procedure 68(a), a defendant may serve an offer to allow judgment on specified terms to the opposing party at least two weeks before trial. Fed. R. Civ. P. 68(a). Any acceptance by the opposing party of the offer must be made through written notice. *Id.* Thereafter, "either party may then file the offer and notice of acceptance, plus proof of service." *Id.*

Here, defendant FCA US, LLC served plaintiff with a Rule 68 offer of judgment in the amount of \$208,278.00, plus reasonable attorneys' fees and costs in an amount to be determined by the court upon a noticed motion if the parties are unable to resolve the issue of attorneys' fees

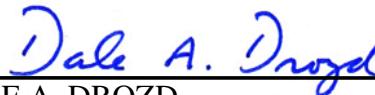
1 and costs themselves. (*See* Doc. No. 18 at 5.) Plaintiff accepted the offer in writing on October
2 13, 2023. (*Id.* at 6.) Plaintiff now requests that judgment be entered in favor of plaintiff and
3 against defendant FCA US, LLC in the sum of \$208,278.00, and that the matter of reasonable
4 attorneys' fees and costs be reserved, to be resolved by the parties or determined by the court on
5 motion. (*Id.* at 5.) Defendant also reserved the right to oppose plaintiff's motion for attorneys'
6 fees and costs "based on the reasonableness of the fees, costs or expenses sought." (*Id.*)

7 Accordingly,

- 8 1. The Clerk of the Court is directed to enter judgment in favor of plaintiff and
9 against defendant FCA US, LLC in the amount of \$208,278.00, plus reasonable
10 attorneys' fees and costs (Doc. No. 18);
11 2. Within twenty-one (21) days from the date of entry of this order, the parties shall
12 file a joint status report to inform the court whether the parties were able to resolve
13 the issue of attorneys' fees and costs among themselves; and
14 3. If the parties are unable to resolve the issue of attorneys' fees and costs, then
15 plaintiff shall file his motion for attorneys' fees and costs by no later than thirty
16 (30) days from the date of entry of this order.

17 IT IS SO ORDERED.

18 Dated: October 18, 2023


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

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